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reaction against the extreme Greek claims, is on the whole unpartizan, is neither quoted, nor mentioned in the bibliography). But the fact remains, and ought to be faced, that the prevailingly Slavic population of inland Macedonia was never even claimed as Serbian until after Serbia's disappointment at being denied access to the Adriatic. With removal of the ban on Serbia's natural expansion westward and some compromise with the Hellenism which is strongly intrenched in the larger towns, a permanent solution of the Macedonian question ought to be possible. The previous blunders of European diplomacy, of commission and omission, seem intolerable, now that we see to what they have given an opening.

"The inhabitants of Albania are totally devoid of national feeling. Various causes militate against national unity." The second statement is true, but the first is much too strong. Despite religious differences, tribal feuds, and backward social conditions, the Albanians are fully conscious that they are not Slavs, Turks, or Greeks, but a distinct nationality. The sentiment is not less there because it has not overcome the obstacles to effectiveness. Witness the formal demands of the Albanian leaders in 1911 for Turkish recognition of Albanian nationality and language, and the vaguer dreams of the peasants described in Miss Edith Durham's *High Albania* (also not mentioned in the author's bibliography). It is not unlikely that this small nationality will be sacrificed to larger issues. But an Italian protectorate would at least give it a much better chance to try itself out than a division between Serbia and Greece, which have an inherited contempt for the very idea of Albanian nationality and would aim to uproot it. Recognition of an Italian protectorate might also induce Italy to withdraw her claims to the Dalmatian coast, thereby aiding Serbo-Croatian unity (and so indirectly the solution of the Macedonian question), and to give up the purely Greek islands of Rhodes, Cos, etc., her retention of which is the grossest violation of principles proclaimed.

In matters touching the character, history, and relationship of languages, there are not a few remarks which savor of uncritical popular philology, some merely naïve in expression, some positively erroneous. But these do not seriously affect the main purpose and value of the book.

C. D. BUCK.

#### BOOKS OF AMERICAN HISTORY

*American State Trials.* A Collection of the Important and Interesting Criminal Trials which have taken Place in the United States from the Beginning of the Government to the present Day. By JOHN D. LAWSON, LL.D. Volumes VI., VII. (St. Louis: F. H. Thomas Law Book Company. 1916-1917. Pp. xxvi, 905; xxvi, 974. \$5.00 per vol.)

THESE two volumes of Dr. Lawson's inestimable work are as useful and interesting as those which precede them. They increase the debt due him by historians and members of his profession. The parts which show the greatest care in their preparation are the reports of the trial of the Knapps and Crowninshield for the murder of White in Massachusetts, which contain Webster's most famous speech to a jury, and of that of John Brown and his associates in Virginia. The reprint of the trial of Alexander McLeod for taking part in the burning of the steamship *Caroline* under authority from the British government, will also, since the original edition is rare, be of value to the historian. The state authorities and the state judge, an eminent common lawyer, then acted against the protest of the national government and were severely criticized by Webster for their conduct. Had the accused not been acquitted, the case would have caused serious international complications. Dr. Lawson omits any reference to the act of Congress passed in consequence of this prosecution (act of August 29, 1842, c. 257, 5 *St. at L.* 539, now incorporated in *U. S. R. S.* § 753), which gives the federal courts power to issue a writ of *habeas corpus* when a prisoner in a state jail

being a subject or citizen of a foreign state, and domiciled therein, is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, or order, or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations.

The editor describes John Brown as an "insane fanatic" but in the biography he omits any reference to the massacre authorized by Brown at Pottawatomie.

The arrangement of the contents is less at haphazard than in the former volumes, although it is still neither chronological nor topical and by no means logical or scientific. The juxtaposition of the court martial of Benedict Arnold, resentment at which seems to have been the motive of his treason, with the trials of André and Joshua H. Smith is commendable. So is the conclusion of volume VII., two cases affecting liquor sellers in which one lost and the other won.

The first is the trial in New Bedford, Mass., 1845, of the publishers of the *Dew Drop* for a libel upon a liquor seller, where an acquittal was secured by an admirable argument by Henry Stanton, the husband of that great woman Elizabeth Cady Stanton. This is followed by the trial in Albany, New York, 1855, where a jury acquitted a hotel-keeper upon the ground that the New York prohibition act of April 9, 1855, was unconstitutional although the trial judge had charged them that the statute was valid. This last report preserves from oblivion one of the greatest arguments to a jury that was ever delivered, a speech which will stand comparison with any by Erskine, Choate, or Webster. It was made by John K. Porter, whose memory, like that of most lawyers,

had hitherto seemed to be ephemeral. Dr. Lawson makes no reference to the decision of the court of appeals in *Wynehamer v. People* (13 N. Y. 378), which reversed the court below (20 Barbour 567, 11 How. 530), and held that the act of April 9, 1855, was unconstitutional. He refers to the advocate's connection with the trial of Guiteau, although without any mention of the famous cross-examination of the prisoner which probably more than anything that occurred upon the trial convinced the jury that Guiteau was responsible for his act. He does not, however, refer to the fact that Judge Porter served on the New York court of appeals from 1865 to 1867. The absence of any biography of Nicholas Hill, jr., who was Judge Porter's associate in the Albany trial, is unfortunate. He was, perhaps, the greatest common lawyer who has practised in the state of New York. His briefs that are preserved in the reports are still used as models for legal arguments. He was the editor of *Hill's Reports*. His portrait is in the court-house of the New York court of appeals. He and Judge Esek Cowen are the joint authors of that great repository of learning, Cowen and Hill's *Notes to Phillips on Evidence*. It is surprising that an author such as Dr. Lawson, who has himself produced a meritorious treatise upon a topic of that branch of the law, should not, in the biography of Judge Cowen, when referring to that book, have shown an appreciation of its value.

Rufus Choate surely deserves more than the skeleton of a biography which is contained in the note after his name. The traditions and anecdotes concerning him which are still repeated in Massachusetts should have been preserved in a work like this which is intended to be a legal classic. The bibliographical note to the trial of André does not mention Chandler's *Criminal Trials* although Chandler is quoted in the subsequent report of the trial of Joshua H. Smith.

Those who use the work as a book of reference will be inconvenienced by the persistence of the editor in his habit of inserting much important historical matter in his prefaces without adequate references to them in the notes to the subsequent reports of the trials. But this generation and posterity should be grateful to Dr. Lawson for his labors.

ROGER FOSTER.

*Jahrbuch der Deutsch-Amerikanischen Historischen Gesellschaft von Illinois.* Jahrgang 1916. Herausgegeben von Dr. JULIUS GOEBEL, Professor an der Staatsuniversität von Illinois. [Deutsch-Amerikanische Geschichtsblätter, vol. XVI.] (Chicago: University of Chicago Press. 1917. Pp. 398. \$3.00.)

THE *Jahrbuch* of 1916 opens with a thorough study of the life and works of Carl Follen, by G. W. Spindler. Here for the first time all biographical sources are taken into account, both the German, of Treitschke, Biedermann, Haupt, and Pregizer, treating Follen's revolutionary activity, and the American, beginning with but by no means limited to